

O.P.No.1 of 2017**K.KALYANASUNDARAM, J.,**

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2. It is the case of the petitioners that the deceased A.V.Srinivasan died intestate on 20.09.2016 at his residence. The deceased was ordinarily residing at H39/6 West Avenue, Kamaraj Nagar, Thiruvanmiyur, Chennai-600 041. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The first petitioner is the wife of the deceased. Petitioners 2 and 3 are the son and daughter of the deceased. The succession certificate is required for the purpose of submitting the same to the Financial Institutions, Mutual Funds and Banks to collect the Securities and to receive the interest and dividends, negotiate and transfer the securities. The assets in respect of which the succession certificate is required are of the value of Rs.5,84,800/-. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities as specified in the schedule.

3. Mrs.Hema Srinivasan, the first petitioner herein was examined as P.W.1 and marked Exs.P1 to P6 viz.,

Ex.P1 is the computer generated death certificate of A.V.Srinivasan, who died on 20.09.2016.

Ex.P2 is the photocopy of legal heirship certificate dated 19.11.2016 in respect of A.V.Srinivasan, issued by Tahsildar, Velachery Taluk

Ex.P3 (Series 5 Nos.) are the photocopies of Share Certificates bearing Certificate Nos. 19349, 40827, 130237, S018226 and 042594, 3 share certificates in Srichakra Tyres Ltd and 2 share certificates in Ashok Leyland Limited.

Ex.P4 is the consent affidavit given by the second petitioner stating that he has no objection in granting succession certificate in favour of the first petitioner.

Ex.P5 is the consent affidavit given by the third petitioner stating that she has no objection in granting succession certificate in favour of the first petitioner.

Ex.P6 is a copy of paper publication effected in one issue of Tamil Daily "Malai Sudar" dated 10.02.2017.

She has further stated in her evidence that she has not filed any other petition before any other Court seeking the same relief.

4. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased A.V.Srinivasan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the securities and to receive interest and dividends thereon and negotiate and transfer the securities as specified in the schedule, is issued. The first petitioner is directed to render account once in a year.

07.04.2017

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